

**II. Rejection Under 35 U.S.C. § 102(b)**

The Examiner has newly rejected claim 10 under 35 U.S.C. §102(b) as being anticipated by EP 0601302 A1 to Balzer et al. ("Balzer"). Specifically, the Examiner alleges that Balzer teaches a

direct dye compound of 6-[(4-aminophenyl)azo]-5-hydroxy-, monosodium salt, which is identical to the claimed formula (I'), when ... R5 is an amino radical, R4 is a hydrogen atom, n is zero, Z represents the claimed formula (I')b, in which one n is zero and the other n is equal to 1 and the composition further comprises a polymeric compound of a polyacrylic acid of a formula identical to the claimed formula in which R1 is a hydrogen atom....

Office Action at 2.

Applicant respectfully disagrees with the Examiner and points out that the compounds described by Balzer contain either a  $-N(C_2H_5OH)_2$  group (formula I) or a phenyl group with an embedded nitrogen and  $-NH_2$  substituents on both sides on the embedded nitrogen (formula 2). Neither of these possibilities fall within the scope of claim 10. In fact, both formula (I) and formula (II) of Balzer contain nitrogen embedded in a phenyl group, falling outside the scope of the claimed subject matter in claim 10. For at least these reasons, Applicant believes that the Examiner's rejection is in error, and submits that pending claims 10-12 and 14 are in condition for allowance.

IV. **Conclusion**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 22, 2004

By:

A handwritten signature in black ink, appearing to read 'M. D. Sweet', written over a horizontal line.

Mark D. Sweet  
Reg. No. 41,469